IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.100 OF 2000

Shri Pritam Lal, son of
Ram Dass Chand ..Petitioner.

Versus

Union of India ..Respondent.

Mr. Bharat Vaishnawa for the Petitioner.
Mr. Y. S. Bhate for the Respondent.

CORAM: DALVEER BHANDARI, C.J. &
S.J. VAZIFDAR, J.
DATE : 30TH JUNE, 2005

P.C.

The Petitioner was working with the Indian Navy and after retirement in 1974, he was allotted a shop being Shop No.15, Ground Floor, NOFRA (Naval Officers Family Residential Area), Navy Nagar, Colaba, Bombay, for carrying on business of General Provision Stores, in the name and style of Nofra General Stores/Kiran General Stores. On 15th November, 1999 the Petitioner received notice from the Commander, Chief Administrator, NOFRA, Colaba, indicating that the current lease of the Petitioner's shop shall not be renewed after 31st December, 1999.

2. The shop was granted on certain conditions. Against the said notice, the Petitioner has filed Writ Petition No.100 of 2000 and, in pursuance to the show cause notice, Commander A. K. Paul, Accommodation Officer in the Office of the Chief Administrator, Naval Area, Navy Nagar, Colaba has filed his affidavit. In the said affidavit, it is stated that on investigation it has been found that the Petitioner has not been running the shop personally and has been carrying on business through his helpers/assistants/employees on benami basis. In view of this position, the Petitioner was requested to make arrangement elsewhere from 31.12.1999 and hand over the vacant possession of the said shop.

3. During the course of hearing, the Respondent, looking to the age and health of the Petitioner has taken a magnanimous view and submitted that in case the Petitioner gives an undertaking to the Court that he would run the grocery shop himself and that he would not create any third party rights, then they will have no difficulty in renewing the lease of the Petitioner. Consequently, the Petitioner has filed his own affidavit on 30th June, 2005 in which he has stated that he is a 75 years old man and suffering from severe heart problem and

diabetes. He has stated that he is keeping 2/3 employees to help him in running his grocery shop. He has given a clear undertaking that he would not create any third party interest or part with possession of Shop No.15 or any portion thereof to any other person during the subsistence of the licence. The affidavit filed by the Petitioner is taken on record.

4. In view of his old age and undertaking given by the Petitioner, the licence for the aforesaid shop shall be renewed. It is however made clear that if there is any violation of any of the conditions of the licence, then the Respondents will be free to take any action in accordance with law.

5. No further directions are necessary. This Petition stands disposed of accordingly.

CHIEF JUSTICE

S.J. VAZIFDAR, J.